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11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 FITNESS INTERNATIONAL, LLC      } Case No.: 8:22-CV-01800-DOC-DFM  
14    }  
15    } Plaintiff,      } FITNESS INTERNATIONAL, LLC'S  
16 -vs-                                    }  
17 LEAH ALSPAUGH and DOES 1      } MEMORANDUM RE: LEAH  
18 through 50, inclusive,              } ALSPAUGH'S CONTINUING  
19                                         } VIOLATION OF THE COURT'S  
20                                         } PERMANENT INJUNCTION  
21                                         } [Filed concurrently with Declarations of  
22                                         } Mindy Stokesberry, Jean Sanz, Karen  
23                                         } Burris, and Christine C. De Metruis]  
24                                         }  
25                                         } Hearing  
26                                         } Date:  
27                                         } Time:  
28                                         } Courtroom: 10A

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1 Plaintiff FITNESS INTERNATIONAL, LLC (hereinafter “Fitness”) respectfully  
2 submits the following memorandum regarding defendant LEAH ALSPAUGH’s  
3 (hereinafter “Alspaugh”) continuing violation of the Permanent Injunction entered by  
4 this Court on May 8, 2023. [Dkt. 81.]

5 **A. The Permanent Injunction**

6 After the jury trial in this action, on May 8, 2023, this Court entered an Order re:  
7 Permanent Injunction, which permanently enjoined Alspaugh from, amongst other  
8 things:

- 9 • Infringing on Fitness’ federally registered trademarks, including “LA Fitness”,  
10       “L.A. Fitness” and “Pro Results”;  
11 • Making representations to any person or entity that Alspaugh is the owner or  
12       representative of, or otherwise affiliated with, Fitness or any of its brands,  
13       including LA Fitness and Pro Results;  
14 • Taking any action, including filing any document, in any federal or state court  
15       on behalf of or under the name of Fitness or any of its brands, including LA  
16       Fitness;  
17 • Contacting Fitness employees by email, phone or in person;  
18 • Using or maintaining any email address that contains the name “Pro Results”,  
19       “LA Fitness,” and/or “Fitness International,” or any confusingly similar  
20       names; and  
21 • Coming within 50 feet of any of Fitness’ facilities, including its gyms and  
22       corporate offices.

23 [Dkt. 81.]

24 In addition to enjoining Alspaugh from engaging in certain conduct, the Court’s  
25 Order re Permanent Injunction further required Alspaugh to file specific information  
26 with the Court within 20 days in order to help untangle all of the mess she created  
27 through her fraudulent actions, including: (1) evidence that she closed all bank accounts  
28 she opened under the name LA Fitness or another Fitness brand name; (2) evidence that

1 she cancelled the federal employer ID number she received from the Internal Revenue  
2 Service under the name “Leah Alspaugh Fitness International”; (3) Evidence that all of  
3 the business registrations she filed with the California Secretary of State using the names  
4 LA Fitness or Fitness International have been cancelled; (4) copies of all contracts she  
5 entered into under the names Fitness International, LLC, LA Fitness or Pro Results, and  
6 evidence that such contracts have been cancelled. [Id.]

7 **B. The Court’s Prior Order Holding Alspaugh In Contempt Of Court**

8 Alspaugh’s violation of the Permanent Injunction began almost immediately after  
9 its issuance. As such, on June 2, 2023, Fitness filed a Status Conference Statement in  
10 Support of Civil and/or Criminal Contempt, detailing Alspaugh’s conduct which  
11 violated the Permanent Injunction. [Dkt. 93.] On June 14, 2023, the Court held  
12 Alspaugh in contempt for violating the Permanent Injunction, and ordered her to appear  
13 for a hearing on June 26, 2023. [Dkt. 97, 98.] Despite being held in contempt,  
14 Alspaugh’s violations continued, and as such on June 22, 2023, Fitness filed a  
15 supplemental brief in support of finding Alspaugh in contempt of court. [Dkt. 100.]  
16 Alspaugh failed to appear at the June 26 2023 hearing. As such, the Court again found  
17 Alspaugh in contempt of court, and issued a bench warrant for her arrest. [Dkt. 101,  
18 102.]

19 On July 20, 2023, Fitness was informed that Alspaugh was taken into custody by  
20 U.S. Marshals, and that afternoon Court held a hearing. At the hearing, the Court  
21 appointed Sam Cross, Esq. of the Federal Public Defenders’ Office as Alspaugh’s  
22 counsel for the civil contempt proceedings. The Court further ordered Alspaugh to be  
23 temporarily detained, and to undergo a psychological evaluation. [Dkt. 103.]

24 Several additional hearings were held by the Court regarding Alspaugh’s  
25 detention. Counsel for Fitness attended each such hearing, however was not present  
26 during discussions regarding Alspaugh’s mental evaluations, which were conducted  
27 under seal.

28

1           On August 9, 2023, Alspaugh agreed to abide by the terms of the Permanent  
 2 Injunction. As such, the Court released Alspaugh. [Dkt. 118.]

3           **C. Alspaugh's Continuing Violation of the Permanent Injunction Since Her  
 4 Release On August 9, 2023**

5           **1. Alspaugh's Motion to Quash and Other Court Filings**

6           On August 11, 2023, Fitness received notice that Alspaugh filed a Motion to  
 7 Quash in the present action. [Dkt. 119.] Notably, the “Motion” was sent to this Court  
 8 by mail postmarked August 8, 2023 (while Alspaugh was still in federal custody). [Dkt.  
 9 119, at p. 10.] The “Motion” Alspaugh filed states in part: “LA Fitness & Pro Results  
 10 is a trademark not owned by Fitness International LLC. Fitness International is a  
 11 Homeland New York Corporation, Homeland Police 795078237. Make your claim  
 12 now.” [Dkt. 119.] Several documents were filed with the Motion to Quash, including  
 13 an Affidavit of Support Writ of Possession in an action entitled *LA Fitness v. Fitness*  
 14 *International LLC, City Club One*, Los Angeles Superior Court case no. 30-2023-  
 15 01327335<sup>1</sup>. [Dkt. 119, at pp. 6-8.] The caption page identified LA Fitness’ address as  
 16 1255 Elden Ave, Unit 520 Mailbox 56, Los Angeles, CA 90006,” which is Alspaugh’s  
 17 address. [Dkt. 119, at p. 6.]

18           **2. Alspaugh's Attempt To Open A Bank Account Under The Name “LA  
 19 Fitness”**

20           On August 24, 2023, Alspaugh went to the MacArthur Blvd. branch of Bank of  
 21 the West, represented herself as the owner of “LA Fitness,” and attempted to open up a  
 22 bank account under the name “LA Fitness.”<sup>2</sup> [Burris Decl., at ¶2.] Alspaugh presented  
 23 her driver’s license and various documentation which was photocopied. [Burris Decl.,

24           

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<sup>1</sup> This is not a Los Angeles Superior Court case number. However, this case number does correspond  
 25 with the Orange County Superior Court unlawful detainer case Alspaugh (as “LA Fitness”) filed against  
 26 Fitness on May 25, 2023. Fitness is still defending itself against this case. On August 24, 2023, the  
 27 Orange County Superior Court judge granted Fitness’ motion to deem Alspaugh a vexatious litigant.  
 28 [De Metruis Decl., at ¶2, and **Exhibit 1** thereto.]

<sup>2</sup> As the Court may recall, Alspaugh previously opened up an account as “LA Fitness” with JP Morgan  
 Chase, and then attempted to have Fitness employees deposit funds into that fraudulent account. [Dkt.  
 51, 55.]

1 at ¶2 and **Exhibit 1** thereto.] Karen Burris, Vice President, Branch Manager at Bank of  
2 the West informed Alspaugh that she would need to speak with Fitness' relationship  
3 manager if she wanted to open up an account for LA Fitness. Alspaugh stated she did  
4 not know who that was and asked Ms. Burris for that information. Ms. Burris declined  
5 to provide her with that information, and Alspaugh left. [Burris Decl., at ¶3.]

6 **3. Alspaugh's Visits To Fitness' Downtown Los Angeles LA Fitness Gym**

7 On August 29, 2023, at approximately 3:34 p.m., Alspaugh went to Fitness'  
8 Downtown LA Bloc – Flower St. LA Fitness club ("Downtown LA Fitness club").  
9 Alspaugh walked into the sales area of the Downtown LA club, and started using one of  
10 the computers. She engaged with Fitness personnel, and security was called. She was  
11 escorted out by security. Below is a link to the security video showing Alspaugh at the  
12 LA Fitness gym on August 29, 2023.

13 **LINK:**

14 <https://yokasmith.sharefile.com/d-seeb84c49815343f09a11fcd3ad184d50>

15 [Sanz Decl., at ¶2, 4.]

16 On August 31, 2023, Alspaugh returned to the Downtown LA Fitness club at  
17 approximately 8:09 a.m. Alspaugh walked behind the front desk into the reception area,  
18 and started using Fitness' computer and telephone. Security was called. When the  
19 security guard attempted to move the phone away from Alspaugh, Alspaugh swap his  
20 hand away and move the phone closer to her. After about 10 minutes, Alspaugh was  
21 escorted out by security. Fitness subsequently submitted a police report with the Los  
22 Angeles Police Department. [Sanz Decl., ¶3 and **Exhibit 1** thereto.] Below is a link to  
23 three videos showing Alspaugh at the LA Fitness gym on August 31, 2023.

24 **LINK:**

25 <https://yokasmith.sharefile.com/d-s1fc77d1853046b9a74bfc85508ce0e9>

26 [Sanz Decl., at ¶3, 4.]

27 On September 2, 2023, Alspaugh went to Fitness' Long Beach-Cherry LA  
28 Fitness location. The police were called and she was arrested. [Sanz Decl., at ¶5.] On

1 information and belief, Alspaugh was released that same date.  
2

3                   **4. Alspaugh's Communications With Fitness Personnel**

4 On August 26, 2023, Fitness' Vice President of Human Resources, Mindy  
5 Stokesberry, received 6 unsigned text messages with photographs and other references  
6 to sea turtles, a butterfly, and a pair of sneakers. [Stokesberry Decl., at ¶2, and **Exhibit**  
7 **1** thereto.]

8 On August 29, 2023, Alspaugh sent two emails to Ms. Stokesberry. The first email  
9 states in pertinent part:

10                  Please check in with Downey on firestone. I will be out of  
11 town but I had a dream about Louis and Cheyenne and then  
12 this club pride made told me they saw Michu in Downey  
13 today. It's crazy but I know that operations manager is  
14 using yelbas name it's not the same person who worked for  
15 us before. I got a royal gold speedo."

16 [Stokesberry Decl., at ¶3, and **Exhibit 2** attached thereto.]

17 The second August 29<sup>th</sup> email had the subject line "Downey" and states: "I will  
18 try to go down there today before I leave." [Stokesberry Decl., at ¶3, and **Exhibit 2**  
19 attached thereto.]

20 On August 31, 2023, Alspaugh sent another email to Ms. Stokesberry, which  
21 states:

22                  AYE, I have been fighting with Canada for so many years  
23 to keep them out of my life and I would like you to contact  
24 mcseeveneys in Florida and find out who in the hell he was  
25 dealing with and hired in Florida. The Canadian clubs never  
26 succeeded. And a lot of what I hear from people is Canada  
27 is dry. Anyway I cannot explain the countless times I've had  
28 to deal with their bullshit and it is a very serious situation

1 and I would appreciate it if you . I contact mcseeveneys and  
2 let him know that we are not giving shit to those god damn  
3 Canadians. I have a very difficult time contacting anyone  
4 right now. And also who in the hell is Terri Chang and why  
5 is he saying he is the owner or in the system as the owner I  
6 know next to the corporate office there is one at the bank but  
7 he is not the owner of La fitness. He is using Debbie Blancs  
8 number. Please use this information to the best of your  
9 ability. The last time I remember it was Linda and jill that  
10 were the ones who helped me with this situation and they  
11 are not around.

12 [Stokesberry Decl., at ¶4, and **Exhibit 3** attached thereto.]

13 On September 1, 2023, Alspaugh sent Ms. Stokesberry three text messages  
14 between 5:08 a.m. and 5:13 a.m. which state:

- 15 • “Hi Mindy I’m not sure if you received my message to please get me contact  
16 info for the Florida clubs who is in charge and who did Todd mcseeveneys  
17 hire. I am so sick and tired of those Canadians the Canadian clubs did not  
18 succeed and I sent you a list as to why this is true. I will never be able to  
19 explain how much I do not think on the basis of ethics and money that they are  
20 not with a shit. Aye. I’m not sure if you got in touch with Downey and fired  
21 yelba and who was acting like Michu in Downey. This Florida issue needs to  
22 be resolved immediately. Leah.”
- 23 • “Oh and why is someone lone named Terri Chang using my corporate number  
24 and saying he is the owner it might be Peter Chang I just know he is not the  
25 owner and he changed it from Debbie blanc. What kind of bullshit did they  
26 do”

27

28

- 1           • “And please note of the 318 million dollar transfer on march 5 and the other  
2           transfers from my money market account need to recognized I thought we  
3           stopped the bleeding to India but this is not true.”

4 [Stokesberry Dec., at ¶5, and **Exhibit 4** attached thereto.]

5           On September 1, 2023, Alspaugh also sent an email to Ms. Stokesberry, which  
6           states “Please let prince know we need someone in alahambra if he could step it up.  
7           Whenever I call over there it’s Donald trumps assistant answering the phone.”  
8 [Stokesberry Dec., at ¶6, and **Exhibit 5** attached thereto.]

9           As the above demonstrates, Alspaugh is continuing to violate this Court’s order  
10          by filing and maintaining legal actions on behalf of “LA Fitness,” attempting to open  
11          another bank account under the name “LA Fitness,” trespassing on LA Fitness premises,  
12          and communicating with Fitness personnel. Fitness therefore requests that the Court  
13          fashion an appropriate remedy to compel Alspaugh to comply with the Court’s Order re  
14          Permanent Injunction and cease her infringing, fraudulent and harassing conduct.

15  
16 DATED: September 6, 2023

YOKA | SMITH, LLP

17  
18 BY: 

19           ALICE CHEN SMITH  
20           CHRISTINE C. DE METRUIS  
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